

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONNELLY & ASSOCIATES, P.C.  
200 Four Falls Center, #109  
West Conshohocken, PA 19428

Plaintiff,

v.

ASPEN SPECIALTY INSURANCE CO.,  
175 Capital Boulevard, #103  
Rocky Hill, CT 06067

Defendant.

Civil Action No.

**NOTICE OF REMOVAL**

**PLEASE TAKE NOTICE** that Defendant Aspen Specialty Insurance Company (“Aspen”), by its undersigned counsel, hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446 in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania for removal of the above-captioned litigation from the Court of Common Pleas, Philadelphia County, Trial Division, Commerce Program, Case ID No. 200802729, where it is now pending, to the United States District Court for the Eastern District of Pennsylvania.

**INTRODUCTION**

1. This action was brought against Aspen by Plaintiff Donnelly & Associates, P.C. (“Donnelly”) for a claim in quantum meruit, as well as claims for breach of implied contract and breach of contract, in which Donnelly seeks payment from Aspen for allegedly providing legal services to Aspen’s alleged insureds beginning in or about February of 2017 until approximately August of 2017. Donnelly is a citizen of Pennsylvania and Aspen is a citizen of North Dakota and New York. Because there is complete diversity and the amount in controversy exceeds the

sum or value of \$75,000, this Court may exercise removal jurisdiction over the action pursuant to § 1441(a) and (b).<sup>1</sup>

### **PARTIES**

2. Donnelly is a Pennsylvania corporation with a principal place of business at 200 Four Falls Center, Suite 109, West Conshohocken, Pennsylvania 19428.

3. Aspen is a corporate entity organized under the laws of the State of North Dakota with its principal place of business at 590 Madison Avenue, 7<sup>th</sup> Floor, New York, New York.

### **PROCEEDINGS TO DATE**

4. On or about September 1, 2020, Donnelly filed a Complaint styled Donnelly & Associates, P.C. v. Aspen Specialty Insurance Co., Case ID No. 200802729, in the Court of Common Pleas, Philadelphia County, Trial Division (the “Complaint”), attached hereto as **Exhibit A**.

### **TIMELINESS**

5. On or about September 8, 2020, Aspen first received a copy of the Complaint. *See* Certification of Patrick J. Hughes, Esq., attached hereto as **Exhibit B**, ¶ 3.

6. Aspen timely filed this Notice of Removal within thirty (30) days of its receipt of the Complaint as required by 28 U.S.C. § 1446(b).

### **GROUND FOR REMOVAL**

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<sup>1</sup> Donnelly’s claims arise out of work related to the “HSS Programs,” a shared risk insurance pool created and run by Hospitality Supportive Systems, LLC, Carman Corporation, Edward Snow, Selective Risk Management, LLC, Selective Law Group, Charles M. O’Donnell, and certain other individuals and entities. Aspen sued these actors for engaging in rampant fraud via the HSS Programs, causing damage to Aspen of over \$40,000,000. That litigation is currently pending before this Honorable Court under docket number 16-cv-01133 before the Honorable Judge DuBois. Aspen intends to seek consolidation of the instant action with that pending action, at least for discovery purposes.

7. For purposes of § 1332, “a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business . . . .” 28 U.S.C. § 1332(c)(1).

8. Aspen is a corporate entity organized under the laws of the State of North Dakota with its principal place of business at 590 Madison Avenue, 7<sup>th</sup> Floor, New York, New York. *See* Ex. B ¶ 4. Thus, it is a citizen of North Dakota and New York for diversity purposes.

9. Donnelly is a Pennsylvania corporation with a principal place of business at 200 Four Falls Center, Suite 109, West Conshohocken, Pennsylvania 19428. *See* Ex. A ¶ 1. Thus, Plaintiff is a Pennsylvania citizen for diversity purposes.

10. Accordingly, there is complete diversity amongst the parties in interest.

11. Pursuant to § 1446(c), where removal is sought based on diversity jurisdiction, the “sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy....” 28 U.S.C. § 1446(c)(2).

12. Donnelly has demanded judgment in its favor against Aspen in the amount of \$87,512, as well as legal fees and any other costs or expenses which the Court deems just and proper. *See* Ex. A at Counts I, II, and III.

13. The damages sought in this action and, therefore, the amount in controversy, exceeds the amount in controversy requirement of \$75,000 in accordance with 28 U.S.C. § 1332.

### **VENUE**

14. Donnelly’s action is pending in the Court of Common Pleas, Philadelphia County, Trial Division, which is within this judicial district. *See* 28 U.S.C. § 118(a). This Court is thus the proper venue for removal under 28 U.S.C. §§ 1441(a) and 1446(a).



**NOTICE**

15. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to Donnelly. A copy of the Notice of Removal will be filed with the Prothonotary of the Court of Common Pleas, Philadelphia County, Trial Division, in the form attached hereto as **Exhibit C**.

**CONCLUSION**

For the foregoing reasons, Aspen respectfully demands that this action, previously pending in the Court of Common Pleas, Philadelphia County, Trial Division, be removed to this Court, and that this Court proceed as if this case had been originally initiated in this Court.

Respectfully submitted,

**CONNELL FOLEY LLP**

Dated: October 2, 2020

By: /s/ Patrick J. Hughes

Patrick J. Hughes (I.D. No. 41403)  
457 Haddonfield Road, Suite 230  
Cherry Hill, NJ 08002  
[phughes@connellfoley.com](mailto:phughes@connellfoley.com)

and

William D. Deveau (*pro hac vice pending*)  
185 Hudson Street, Suite 2510  
Jersey City, NJ 07311  
[wdeveau@connellfoley.com](mailto:wdeveau@connellfoley.com)

*Counsel for Defendant,  
Aspen Specialty Insurance Company*

**CERTIFICATE OF SERVICE**

I, Patrick J. Hughes, of full age, hereby certify that the within Notice of Removal and accompanying exhibits have been caused to be electronically filed with the Clerk, United States District Court for the Eastern District of Pennsylvania, pursuant to this District's ECF procedures, filed with the Prothonotary of the Court of Common Pleas, Philadelphia County, Trial Division by operation of the Court's electronic filing system, and that a copy has been caused to be served this date, via regular mail and the Court's electronic filing system, upon:

Andrew Lapat, Esq.  
Law Office of Andrew Lapat, LLC  
349 West Lancaster Avenue #201  
Haverford, PA 19041  
Attorney for Plaintiff

I certify that the foregoing statements are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 2, 2020

By: /s/ Patrick J. Hughes  
Patrick J. Hughes (I.D. No. 41403)  
CONNELL FOLEY LLP  
457 Haddonfield Road, Suite 230  
Cherry Hill, NJ 08002  
[phughes@connellfoley.com](mailto:phughes@connellfoley.com)  
and  
William D. Deveau (*pro hac vice pending*)  
CONNELL FOLEY LLP  
185 Hudson Street, Suite 2510  
Jersey City, NJ 07311  
[wdeveau@connellfoley.com](mailto:wdeveau@connellfoley.com)  
  
*Counsel for Defendant,  
Aspen Specialty Insurance Company*

# EXHIBIT A

Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)	
<b>AUGUST 2020</b>	<b>002729</b>
E-Filing Number: 2009001335	

PLAINTIFF'S NAME DONNELLY & ASSOCIATES, P.C.		DEFENDANT'S NAME ASPEN SPECIALTY INSURANCE CO.	
PLAINTIFF'S ADDRESS 200 FOUR FALLS CENTER #109 WEST CONSHOHOCKEN PA 19428		DEFENDANT'S ADDRESS 175 CAPITAL BLVD #103 ROCKY HILL CT 06067	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Other:	<input checked="" type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival	
CASE TYPE AND CODE 1C - CONTRACTS (GOODS), ENFORCE			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES    NO	
		FILED PRO PROTHY SEP 01 2020 A. SILIGRINI	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>DONNELLY &amp; ASSOCIATES, P.C.</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY ANDREW LAPAT		ADDRESS LAW OFFICES OF ANDREW LAPAT 349 LANCASTER AVE STE 201 HAVERFORD PA 19041	
PHONE NUMBER (610) 649-3769	FAX NUMBER (610) 649-3477		
SUPREME COURT IDENTIFICATION NO. 55673		E-MAIL ADDRESS aalapat@gmail.com	
SIGNATURE OF FILING ATTORNEY OR PARTY ANDREW LAPAT		DATE SUBMITTED Tuesday, September 01, 2020, 01:22 pm	



## COMMERCE PROGRAM ADDENDUM TO CIVIL COVER SHEET

This case is subject to the Commerce Program because it is not an arbitration matter and it falls within one or more of the following types (check all applicable):

- \_\_\_\_\_ 1. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business corporations, partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;
- X   2. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:

  - \_\_\_\_\_ a. Uniform Commercial Code transactions;
  - \_\_\_\_\_ b. Purchases or sales of business or the assets of businesses;
  - X   c. Sales of goods or services by or to business enterprises;
  - \_\_\_\_\_ d. Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;
  - \_\_\_\_\_ e. Surety bonds;
  - \_\_\_\_\_ f. Purchases or sales or leases of, or security interests in, commercial, real or personal property; and
  - \_\_\_\_\_ g. Franchisor/franchisee relationships.
- \_\_\_\_\_ 3. Actions relating to trade secret or non-compete agreements;
- \_\_\_\_\_ 4. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;
- \_\_\_\_\_ 5. Actions relating to intellectual property disputes;
- \_\_\_\_\_ 6. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;
- \_\_\_\_\_ 7. Derivative actions and class actions based on claims otherwise falling within these ten types, such as shareholder class actions, but not including consumer class actions, personal injury class actions, and products liability class actions;
- \_\_\_\_\_ 8. Actions relating to corporate trust affairs;
- \_\_\_\_\_ 9. Declaratory judgment actions brought by insurers, and coverage dispute and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a Comprehensive General Liability policy;
- \_\_\_\_\_ 10. Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be subject to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.



**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**  
**COURT OF COMMON PLEAS OF PHILADELPHIA**

Filed and Attested by the  
Office of Judicial Records  
SEP 2020 01:22 pm  
A. STEIGRINT  
JUDICIAL DISTRICT OF PENNSYLVANIA

Donnelly & Associates, P.C.  
200 Four Falls Center, #109  
West Conshohocken, PA 19428

Plaintiff

Court of Common Pleas

Philadelphia County

v.

Aspen Specialty Insurance Co.,  
175 Capital Blvd, #103  
Rockey Hill, CT 06067

Civil Action No.

**NOTICE TO DEFEND**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

*You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.*

Philadelphia Bar Association  
Lawyer Referral  
and Information Service  
One Reading Center  
Philadelphia, Pennsylvania 19107  
(215) 238-6333  
TTY (215) 451-6197

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascender una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

*Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.*

Asociacion De Licenciados  
De Filadelfia  
Servicio De Referencia E  
Informacion Legal  
One Reading Center  
Filadelfia, Pennsylvania 19107  
(215) 238-6333  
TTY (215) 451-6197

**LAW OFFICE OF ANDREW LAPAT, LLC**

**By: Andrew Lapat, Esquire**  
**Identification No.: 55673**  
**349 West Lancaster Avenue #201**  
**Haverford, PA 19041**  
**610-649-3769**

**Attorney for Plaintiff**

**DONNELLY & ASSOCIATES, P.C.**  
**200 Four Falls Center, #109**  
**West Conshohocken, PA 19428**

**PLAINTIFF,**

**v.**

**ASPEN SPECIALTY INSURANCE CO.,**  
**175 Capital Boulevard, #103**  
**Rocky Hill, CT 06067**

**DEFENDANT.**

**COURT OF COMMON PLEAS**

**PHILADELPHIA COUNTY**

**CIVIL ACTION NO.**

**COMPLAINT**

**PARTIES**

1. Plaintiff, Donnelly & Associates, P.C. ("Donnelly"), is a Pennsylvania professional corporation with a principle place of business at 200 Four Falls Center, Suite 109, West Conshohocken, PA 19428.
2. Defendant, Aspen Specialty Insurance Co. ("Aspen"), is an insurance company with offices in New York and Connecticut. Aspen engages in systematic and continuous business in the Commonwealth of Pennsylvania including providing insurance to businesses in Philadelphia.

**FACTS**

3. In or about February, 2017 Donnelly commenced work for Aspen defending their insureds.

4. Some of the insureds for which Donnelly provided service were bars and restaurants located within the City of Philadelphia.
5. Donnelly worked defending Aspen's insureds until approximately August, 2017.
6. During the time Donnelly performed legal services defending Aspen's insureds, Aspen did not complain in any respect about the quality of the legal representation provided.
7. During the time Donnelly performed legal services defending Aspen's insureds, Aspen never informed Donnelly that Aspen had no intention of paying for the legal services provided by Donnelly.
8. Aspen allowed Donnelly to continue to provide legal services despite having no intention of paying Donnelly for their services.
9. Aspen has refused to pay Donnelly anything for the legal services provided.
10. Ultimately when Donnelly presented Aspen with a bill for payment on the twenty-seven different matters it worked on.
11. Aspen has refused to pay in each of these matters.
12. For each of the twenty-seven files, Aspen allowed Donnelly to continue to work on the matters in good faith with the expectation that Aspen would fulfill its obligations to pay for the legal service provided.
13. The total cost of the legal services provided to Aspen by Donnelly was \$87,512.
14. In none of the matters did Aspen notify Donnelly that it did not want to pay for the service it was receiving and inform Donnelly to stop working on the files.
15. Donnelly was permitted to continue to work on all of the files for Aspen until Aspen decided that it did not want to pay for the services received.



**COUNT I – Quantum Meruit**

16. The preceding paragraphs 1- 15 are incorporated herein by reference as though more fully set forth at length.

17. Aspen allowed Donnelley to continue to work on its files and did not notify Donnelley that it did not intend to pay for the service received.

18. Aspen allowed Donnelly to perform legal services on twenty-seven different files.

19. Aspen has received the benefit of the legal service provided by Donnelley and has refused to pay the value of the service it received.

20. Donnelley has been damaged by providing legal services to Aspen which Aspen refuses to pay for.

WHEREFORE, Plaintiff demands judgment against Aspen in an amount of \$87,512 as well as any other damages including but not limited to legal fees due to Defendant's outrageous conduct as well as any other costs or expenses which this Court deems just and proper.

**COUNT II – BREACH OF IMPLIED CONTRACT**

21. The preceding paragraphs 1- 20 are incorporated herein by reference as though more fully set forth at length.

22. The conduct of Donnelly and Aspen indicated that they had a contract for Donnelly to perform legal services for Aspen.

23. Aspen knowingly allowed Donnelly to perform the legal services on twenty-seven different files and did not advise Donnelly that Aspen would not pay for the services rendered.

24. Aspen has refused to pay for the services rendered.

25. Donnelly has been damaged by Aspen's refusal to pay for the legal services.

WHEREFORE, Plaintiff demands judgment against Aspen in an amount of \$87,512 as well as any other damages including but not limited to legal fees due to Defendant's outrageous conduct as well as any other costs or expenses which this Court deems just and proper.

**COUNT III – BREACH OF CONTRACT**

26. The preceding paragraphs 1- 25 are incorporated herein by reference as though more fully set forth at length.

27. Donnelly and Aspen entered into a valid contact in February, 2017.

28. As stated herein, Aspen failed to pay Donnelly for the legal services provided under the contract.

29. Aspen owes Donnelly legal fees incurred under the contract. These legal fees total \$87,512.

WHEREFORE, Plaintiff demands judgment against Aspen in an amount of \$87,512 as well as any other damages including but not limited to legal fees due to Defendant's outrageous conduct as well as any other costs or expenses which this Court deems just and proper.

LAW OFFICES OF ANDREW LAPAT, LLC

Date: September 1, 2020

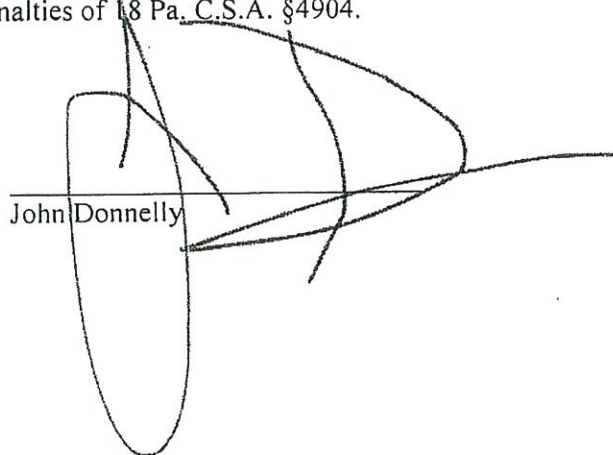
By:

  
ANDREW LAPAT, #55673

VERIFICATION

I, John Donnelly, hereby certify that the facts set forth in the foregoing **COMPLAINT** are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S.A. §4904.

John Donnelly

A large, stylized handwritten signature in black ink is written over the printed name "John Donnelly". The signature is composed of several sweeping, interconnected loops and lines, extending both above and below the baseline of the printed text.



# EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONNELLY & ASSOCIATES, P.C.  
200 Four Falls Center, #109  
West Conshohocken, PA 19428

Plaintiff,

v.

ASPEN SPECIALTY INSURANCE CO.,  
175 Capital Boulevard, #103  
Rocky Hill, CT 06067

Defendant.

Civil Action No.

**CERTIFICATION  
OF  
PATRICK J. HUGHES**

I, Patrick J. Hughes, of full age, hereby certify and state as follows:

1. I am a partner at the law firm of Connell Foley LLP admitted to practice before the Court, and am counsel for Defendant Aspen Specialty Insurance Company (“Aspen”) in the above matter. I submit this Certification in further support of Aspen’s Notice of Removal.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Complaint filed in the Court of Common Pleas, Philadelphia County, by Donnelly & Associates, P.C., styled Donnelly & Associates, P.C. v. Aspen Specialty Insurance Co., Case ID No. 200802729.

3. On or about September 8, 2020, Aspen first received a copy of the Complaint via certified mail.

4. Aspen is a corporate entity organized under the laws of the State of North Dakota with its principal place of business at 590 Madison Avenue, 7<sup>th</sup> Floor, New York, New York.

I certify that the foregoing statements are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 2, 2020

/s/ Patrick J. Hughes

Patrick J. Hughes

# EXHIBIT C



**CONNELL FOLEY LLP**

BY: Patrick J. Hughes, Esquire  
Identification No: 41403  
457 Haddonfield Road – Suite 230  
Cherry Hill, New Jersey 08002  
[phughes@connellfoley.com](mailto:phughes@connellfoley.com)  
(856) 317-7100

*Counsel for Defendant, Aspen Specialty  
Insurance Company*

DONNELLY & ASSOCIATES, P.C.  
200 Four Falls Center, #109  
West Conshohocken, PA 19428

Plaintiff,

v.

ASPEN SPECIALTY INSURANCE CO.,  
175 Capital Boulevard, #103  
Rocky Hill, CT 06067

Defendant.

COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY, PA

No.200802729

COMMERCE PROGRAM

**COPY OF NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT  
COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

To: The Prothonotary of the Court of Common Pleas of  
Philadelphia County

Pursuant to 28 U.S.C. § 1446(d), Defendant Aspen Specialty Insurance Company  
("Aspen"), files herewith a copy of the Notice of Removal filed in the United States District  
Court for the Eastern District of Pennsylvania on October 2, 2020.

Dated: October 2, 2020

CONNELL FOLEY LLP  
By: /s/ Patrick J. Hughes  
Patrick J. Hughes (I.D. No. 41403)  
457 Haddonfield Road, Suite 230  
Cherry Hill, NJ 08002  
and  
William D. Deveau (*pro hac pending*)  
185 Hudson Street, Suite 2510  
Jersey City, NJ 07311  
*Counsel for Defendant,  
Aspen Specialty Insurance Company*

JS 44 (Rev. 02/19)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<b>I. (a) PLAINTIFFS</b> Donnelly & Associates, P.C.	<b>DEFENDANTS</b> Aspen Specialty Insurance Co.
<b>(b)</b> County of Residence of First Listed Plaintiff <u>Montgomery, PA</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	County of Residence of First Listed Defendant <u>New York, NY</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
<b>(c)</b> Attorneys (Firm Name, Address, and Telephone Number) Andrew Lapat, Esq. 349 West Lancaster Avenue #201, Haverford, PA 19041 (610) 649-3769	NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  Attorneys (If Known) Patrick J. Hughes, Esq. - CONNELL FOLEY LLP 457 Haddonfield Road - Suite 230, Cherry Hill, NJ 08002 (856) 317-7100 / phughes@connellfoley.com

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:30%;"></th> <th style="width:10%;">PTF</th> <th style="width:10%;">DEF</th> <th style="width:30%;"></th> <th style="width:10%;">PTF</th> <th style="width:10%;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)			Click here for: <a href="#">Nature of Suit Code Descriptions.</a>		
<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input checked="" type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<b>OTHER STATUTES</b> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

<b>V. ORIGIN</b> (Place an "X" in One Box Only)							
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File	

<b>VI. CAUSE OF ACTION</b>	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §§ 1441 and 1446  Brief description of cause: Alleged contract dispute
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<b>VII. REQUESTED IN COMPLAINT:</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$ 87,512.00	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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<b>VIII. RELATED CASE(S) IF ANY</b>	(See instructions): JUDGE <u>Dubois</u> DOCKET NUMBER <u>2:16-cv-01133-JD</u>
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DATE	SIGNATURE OF ATTORNEY OF RECORD				
<u>20 October 2020</u>					
FOR OFFICE USE ONLY	RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE



UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff: 200 Four Falls Center, #109 West Conshohocken, PA 19428

Address of Defendant: 590 Madison Avenue, 7th Floor, New York, NY

Place of Accident, Incident or Transaction: Eastern Pennsylvania

**RELATED CASE, IF ANY:**

Case Number: 2:16-cv-01133-JD Judge: Judge Dubois Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |   |  |
|--|---|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☒ **is** / ☐ **is not** related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/02/2020  41403

*Must sign here*

Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
- (Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☒ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases
- (Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

*(The effect of this certification is to remove the case from eligibility for arbitration.)*

I, \_\_\_\_\_, counsel of record *or* pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_ Sign here if applicable Attorney I.D. # (if applicable)

Attorney-at-Law / Pro Se Plaintiff

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Donnelly & Associates, P.C.	:	CIVIL ACTION
	:	
v.	:	
Aspen Specialty Insurance Co.	:	NO.
	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (✓)

October 2, 2020

**Date**

Patrick J. Hughes

**Attorney-at-law**

Aspen Specialty Insurance Co.

**Attorney for**

(856) 317-7100

**Telephone**

**FAX Number**

phughes@connellfoley.com

**E-Mail Address**